

REMARKS

Reconsideration is requested.

Claims 1-4, 6-12, 22 and 23 have been rejected under Section 102 over WO 96/24329. The rejection is traversed and reconsideration and withdrawal of the rejection are requested.

The Examiner has stated that, as a basis for the rejection, "It is within the skill of the art that one would use a combination of agents having the same function to obtain either an additive or a synergistic effect." See, page 3 of the Office Action dated April 26, 2002 (Paper No. 18). Initially, the applicants note that the Examiner's apparent reliance on a modification of the cited art to make the presently claimed invention supports the applicant belief that each and every aspect of the presently claimed invention is not taught by the cited art. Accordingly, the cited art is not believed to anticipate the presently claimed invention. Moreover, the claims have been amended to recite the specific combination of carbamate and optional antibacterial agents, in response to the Examiner's comment in the last paragraph of page 3 of Paper No. 18.

The cited art further fails to teach the specific embodiments of claims 12 and 18-23. The Examiner is specifically urged to appreciate that claim 23 provides a method of treatment of inflammatory and/or desquamating skin disorders associated *Malassezia* ssp, using the claimed composition. The method of to claim 23 is not taught or suggested by the cited art.

Reconsideration and withdrawal of the Section 102 rejection of claims 1-4, 6-12, 22 and 23 over WO 96/24329, is requested.

The Section 103 rejection of claim 5 over WO 96/24329 is traversed.

Reconsideration and withdrawal of the rejection are requested in view of the unexpected synergistic effect demonstrated on pages 6-8 of the application. Withdrawal of the Section 103 rejection of claim 5 is requested.

The Section 103 rejection of claims 1-13 and 18-23 over WO 96/24329 and U.S. Patent No. 5,552,425, is traversed. Reconsideration and withdrawal of the rejection are requested in view of the following.

As described above, and in the applicants earlier response, WO 96/24329, teaches a combination of DMDMH and IPBC. The cited U.S. Patent 5,552,425, similarly requires a combination of, for example, DMDMH and IPBC. See, column 3, lines 21-32 of U.S. Patent No. 5,552,425. Accordingly, the cited U.S. patent is not believed to provide any further suggestion of the presently claimed invention, which does not include or require DMDMH, than WO 96/24329. Moreover, none of the cited art teaches or suggest the method of claim 23.

Reconsideration and withdrawal of the Section 103 rejection of claims 1-13 and 18-23 are requested.

In view of the above, the claims are submitted to be in condition for allowance and a Notice to that effect is requested.

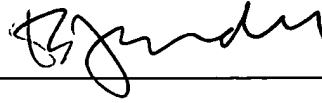
SAINT-LEGER

Serial No. 09/449,924

Respectfully submitted,

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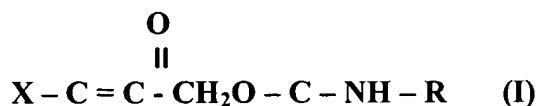
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS

1. (Twice Amended) Cosmetic or dermatological composition consisting essentially of, in a physiologically acceptable medium:

- at least one alkynyl carbamate of formula (I) below:



in which:

X denotes a halogen atom

R denotes a hydrogen atom,

an alkyl group,

a hydroxyalkyl group,

- and at least one polyol chosen from non-etherified polyols, C₁-C₁₀ (poly)alkyl or C₂-C₂₀ (poly)alkenyl polyol ethers and glycosyl polyol ethers; the polyol being saturated or unsaturated, linear, branched or cyclic, bearing or not bearing a hetero atom, and bearing or not bearing additional chemical functions chosen from carbonyl and carboxyl functions[.];

further optionally containing an antibacterial agent selected from the group consisting of chloramine T, Irgasan DP 300, chloramine B, 1,3-dibromo-5,5-dimethylhydantoin, 1,3-dichloro-5,5-dimethylhydantoin, 3-bromo-1-chloro-5, 5-dimethylhydantoin and N-chlorosuccinimide.